

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY  D.G.

05 AUG 29 PM 2:49

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL A. SHORT,

Defendant.

No. 04-20032 M1

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W/D OF TN, MEMPHIS

ORDER DENYING DEFENDANT'S MOTION TO MODIFY SENTENCE

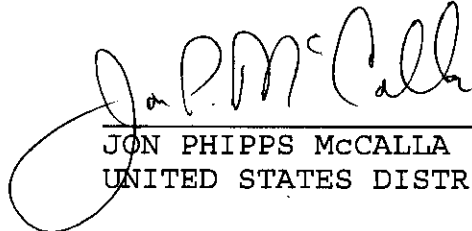
This cause is before the Court on Defendant's Motion to Modify Sentence filed July 29, 2005, and Defendant's Amended Motion to Modify Sentence filed on August 17, 2005. The United States responded to Defendant's motion by memoranda dated August 24, 2005.<sup>1</sup>

<sup>1</sup> A three-count indictment against Defendant Short was filed on January 27, 2004. Mr. Short plead guilty to Counts 2 and 3 (aiding and abetting in an attempt to possess in excess of 50 grams of methamphetamine and possession with intent to distribute approximately 79 tablets of Ecstasy) on May 13, 2004. In the Plea Agreement, the parties specifically agreed to an amount of methamphetamine and a specific number of tablets of Ecstasy and further agreed that the defendant would receive a two-point enhancement pursuant to Section 2D1.1 (b)(1) of the United States Sentencing Guidelines. Defendant Short was sentenced on January 21, 2005, to 24 months incarceration with a recommendation that the Defendant be allowed to participate in a 500 hour drug rehabilitation program. The Judgment as to Mr. Short was docketed on January 25, 2005.

On February 16, 2005, Mr. Short was ordered to surrender to the Federal Prison Camp in Montgomery Alabama on March 31, 2005. Defendant filed no notice of appeal in the case nor has the Government sought any modification of the Judgment.

For the reasons stated in the response of the United States to Defendant's Motion to Modify Sentence, Defendant's motions are hereby DENIED.

SO ORDERED this 29 day of August, 2005.

  
\_\_\_\_\_  
JON PHIPPS MCCALLA  
UNITED STATES DISTRICT JUDGE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 98 in case 2:04-CR-20032 was distributed by fax, mail, or direct printing on August 29, 2005 to the parties listed.

---

Gregory D. Cotton  
COTTON LAW FIRM  
6263 Poplar Avenue  
Ste. 1032  
Memphis, TN 38119

William D. Massey  
MASSEY & MCCLUSKY  
3074 East Street  
Memphis, TN 38128

Stuart J. Canale  
U.S. ATTORNEY'S OFFICE  
167 N. Main St.  
Ste. 800  
Memphis, TN 38103

Honorable Jon McCalla  
US DISTRICT COURT